



The Corporation of the Town of Whitby

Permanent Sign By-law

A by-law Being a By-law to regulate permanent signs and permanent advertising devices within the Town of Whitby.

By-law # 7379-18

This document has been reproduced for convenience only and is a consolidation of "Permanent Sign By-law # 7379-18", adopted by the Council of the Town of Whitby on 19th day of March, 2018.

As amended by By-laws:

By-law Number: **Date Passed:**

7894-22

May 16, 2022

Individual copies of any of the above by-laws are available from the Office of the Town Clerk of the Town of Whitby. For legal purposes, copies of the original by-laws should be obtained.

Permanent Sign By-law

Being a By-law to regulate permanent signs and permanent advertising devices within the Town of Whitby.

Whereas Section 11 of the Municipal Act, S.O. 2001, c. 25, as amended, provides that a municipality may regulate structures, including signs.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. Definitions

- 1.1. "children's safety village" means a facility consisting of a child sized town located within an institutional zone comprised of miniature buildings complete with miniature roadways, functioning traffic lights, pedestrian crossings, railroad signals, institutional buildings, stores, local businesses, bicycles and battery powered vehicles, the purpose of which is to teach and promote pedestrian and traffic safety to children;
- 1.2. "Corporation" means The Corporation of the Town of Whitby;
- 1.3. "display surface" means the surface of the sign excluding the sign (support) structure, upon, against, or through which the message of the sign is displayed;
- 1.4. "Downtown Brooklin" means the area of the Town identified in Schedule A, which is attached to and forms part of this by-law;
- 1.5. "Downtown Whitby" means the area of the Town identified in Schedule B, which is attached to and forms part of this by-law;
- 1.6. "lot" means an entire parcel of land owned or leased by any person;
- 1.7. "lot frontage" means the narrow width, measured in linear metres parallel to the street, of a particular lot;
- 1.8. "officer" means a police officer or a municipal law enforcement officer appointed by the Corporation for the purpose of enforcing this by-law;
- 1.9. "premises" means a specific property including all buildings and accessory structures thereon;
- 1.10. "shopping centre" means a group of permitted non-residential uses designed, developed and managed as a unit by a single owner or tenant, or group of owners or tenants as opposed to a business area comprising of unrelated individual uses;

- 1.11. "sight triangle" means an area formed on a corner lot by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 9.14 metres measured along the street line from the point of intersection of the street lines;
- 1.12. "sign" includes any permanent advertising device and other permanent medium including its structure and other component parts which is used, or is capable of being used, to identify or promote any business, product, enterprise, organization or event in such a way as to be visible to the public;
- 1.13. "sign area" means,
 - 1.13.1. in the case of a wall sign, the area of the display surface;
 - 1.13.2. in the case of a sign having two (2) display surfaces and a thickness not greater than necessary to accommodate the sign structure and a thickness not used as a display surface, the area of one (1) display surface;
 - 1.13.3. in the case of a free standing number, letter or shape, the smallest rectangle which will enclose the number, letter or shape; and
 - 1.13.4. in the case of groupings of free standing numbers, letters or shapes, or combinations thereof, the sum of the areas of the smallest rectangles which will enclose each separate grouping of letters, numbers or shapes which express a separate thought;
- 1.14. "sign, canopy" means a sign advertising the use or occupancy of the premises upon which it is located and which is attached to or forms part of a canopy or similar structure;
- 1.15. "sign, ground" means a sign permanently affixed to the ground by one or more poles, concrete or masonry structures, excluding poster panel signs, advertising the use or occupancy of the premises upon which the sign is located;
- 1.16. "sign, ground identification" means a sign erected in association with an apartment building or block townhouse development identifying the name of the development and units for lease or sale within and, in the case of a block townhouse development, a sign identifying the site layout.
- 1.17. "sign height" means,
 - 1.17.1. in the case of a sign with a border or a frame, the vertical distance from the ground directly below the sign to the highest extremity of the sign; and,
 - 1.17.2. in the case of a sign without a border or a frame, the vertical distance from the ground directly below the sign to the highest extremity of any number, letter or figure;

- 1.18. "sign illumination" means the direct, indirect, internal or external illumination of a sign using artificial light;
- 1.19. "sign, mural" means any type of display or artistic endeavour painted on or otherwise affixed directly to any external facade of a building or structure whether or not it includes specific words of advertisement or any other direct or indirect promotional message or content;
- 1.20. "sign, poster panel" means a sign which is attached to a building wall or free standing structure with advertising not necessarily limited to the use or occupancy of, or goods sold upon the premises upon which the sign is located;
- 1.21. "sign, projecting" means a sign which is erected on and supported by the wall of a building which projects on a right angle so the display surface(s) is perpendicular to the wall of a building from the wall that supports the sign and advertises the business use or occupancy of, or goods sold upon the premises upon which the sign is located;
- 1.22. "sign, pylon" means a sign advertising the use or occupancy of the premises on the same property on which the sign is located, supported by one (1) or more poles, or other support structure.
- 1.23. "sign, read-o-graph" means a sign face or portion thereof so constructed that the letters or numerals conveying a message thereon may be easily rearranged or changed but does not include an illuminated sign of the flashing or animated type;
- 1.24. "sign setback" means the distance extending from any part of the sign or sign structure to the nearest street line or curb of a private vehicular driveway;
- 1.25. "sign, roof" means a sign located entirely above the roof or parapet elevation of a building;
- 1.26. "sign structure" means the framework, bracing and support of a sign;
- 1.27. "sign, wall" means a sign attached flat and parallel to the exterior wall of a building and projecting therefrom a maximum of 50.0 centimetres and advertising the use or occupancy of the premises upon which the sign is located;
- 1.28. "street" means a highway as defined in the Highway Traffic Act, R.S.O. 1990, C.H.8, as amended, or any successor legislation in substitution therefor, and includes unopened and unassumed highways;
- 1.29. "street line" means the dividing line between a lot and the adjacent highway or the limit of the planned width of street allowance as defined in the applicable zoning bylaw, whichever is further from the centre line of the adjacent highway; and

1.30. "Town" means The Corporation of the Town of Whitby or the territorial jurisdiction of the Town of Whitby as the context requires.

2. Interpretation

- 2.1. Unless otherwise specified, references in this by-law to parts, sections, subsections, clauses and schedules are references to parts, sections, subsections, clauses and schedules in this by-law.
- 2.2. References in this by-law to any statute or statutory provision include references to that statute or statutory provision as it may from time to time be amended, extended or re-enacted
- 2.3. This by-law shall be read with all changes in gender or number as the context requires.
- 2.4. References in this by-law to items in the plural include the singular, and references to the singular include the plural, as applicable.
- 2.5. The words "include", "includes" or "including" are not to be read or interpreted as limiting the words, phrases or descriptions that precede them.

Severability

- 2.6. If a court of competent jurisdiction declares any section, or any part of any section, of this by-law to be invalid, or to be of no force or effect, it is the intention of the Town that every other provision of this by-law be applied and enforced in accordance with its terms to the extent possible according to law.

Application

- 2.7. The provisions of this by-law shall apply to all lands and premises within the Town.

Compliance with Other Laws

- 2.8. This by-law and the provisions contained within are intended to be complementary to Provincial statutes and to other by-laws passed by Council, in the event that any other applicable law requires a higher standard than this by-law requires, the higher standard shall apply.

3. Exemptions

- 3.1. The provisions contained in Section 4 and Section 5 of this by-law shall not apply to,
- 3.1.1. a sign having a maximum area of 0.19 square metres indicating the address or owner of the property upon which the sign is located;

- 3.1.2. a sign bearing no commercial advertising erected by or on behalf of The Government of Canada, The Province of Ontario, The Regional Municipality of Durham, The Corporation of The Town of Whitby, or any other governmental agency, commission or body;
 - 3.1.3. a sign having a maximum area of 1.0 square metre indicating no trespassing, safety, or caution;
 - 3.1.4. a non-illuminated sign on the inside of a door or window of a building provided the area of the sign does not exceed twenty-five (25) percent of the area of the door or window;
 - 3.1.5. a non-illuminated or illuminated sign on the inside of a door or window of a permitted business operated in compliance with the Town's Zoning By-laws which serves the primary function of identifying a business as being open or closed, having a maximum area of 1.0 square metres;
 - 3.1.6. an on-site traffic directional sign, pre-sell board or menu board having a maximum area of 1.0 square metres and a maximum height of 2.0 metres;
 - 3.1.7. a sign on a transit shelter with the written consent of the road and transit authority; and,
 - 3.1.8. a marketing, tourism or recreational directional sign attached to an authorized road sign with the written consent of the road authority.
- 3.2. The provisions of this by-law shall not apply to a sign or advertising device that was lawfully erected or displayed on the day of the passing of this by-law so long as the sign or advertising device for an existing business is not in any way substantially altered, it being understood that the maintenance, repair, or identical replacement of the sign or advertising device or a change in the message displayed shall be deemed not to in itself constitute an alteration.

4. Regulation

- 4.1. The provisions of this by-law shall be administered by the Commissioner of the Planning and Development Department of the Corporation or their designate.
- 4.2. No person shall erect or display or cause to be erected or displayed,
 - 4.2.1. a roof sign;
 - 4.2.2. a projecting sign, except in Downtown Brooklin, Downtown Whitby, and at 85 Taunton Road East, in accordance with subsection 4.22. of this by-law;

- 4.2.3. a sign within the limits of any street, it being understood that a wall sign or projecting sign may be attached to and maintained on a building provided the building is located not more than 30.0 centimetres from the relevant street line and provided further that a wall sign does not project more than 60.0 centimetres into the street and a projecting sign does not project more than 1.0 metres into the street;
 - 4.2.4. a sign which resembles any official traffic sign established under the Highway Traffic Act or the regulations made thereunder or a sign which attempts to direct the movement of traffic or which obstructs the view of an official traffic sign;
 - 4.2.5. a sign using red, green or amber illumination and located within 20.0 metres of a traffic signal light;
 - 4.2.6. a sign on a utility pole;
 - 4.2.7. a sign in a sight triangle;
 - 4.2.8. a sign that obstructs or impedes a door, window, scuttle, skylight, fire escape, designated exit, exit direction marker or exit light;
 - 4.2.9. a sign closer than 1.0 metres to a property line unless otherwise provided for in this by-law;
 - 4.2.10. a sign that does not comply with the provisions of the Ontario Building Code or the Canadian Electrical Code, where applicable;
 - 4.2.11. an illuminated sign of the flashing or animated type;
 - 4.2.12. an illuminated sign that does not carry the seal of approval of the Canadian Standards Association;
 - 4.2.13. a sign for the purpose of identifying the operation of a Home Occupation, except for a sign which complies with clause 3.1.4. of this by-law; and
 - 4.2.14. an internally illuminated sign or flashing, animated, or electronic sign within Downtown Brooklin or Downtown Whitby, except for a sign which complies with clause 3.1.5. of this by-law or a sign erected and displayed at a public school, accredited post-secondary educational facility, or a place of worship.
- 4.3. Every owner of a sign shall keep the sign and its appurtenances cleaned, neatly painted, properly maintained, and in a structurally sound condition.
 - 4.4. The zone designations referred to in this by-law are those established by the relevant Zoning By-laws in effect within the Corporation pertaining to any particular premises under consideration.

- 4.5. Downtown Brooklin means the area of the Town identified in Schedule A, (as amended from time to time) which is attached to and forms part of this by-law.
- 4.6. Downtown Whitby means the area of the Town identified in Schedule B, (as amended from time to time) which is attached to and forms part of this by-law.

Signs in Residential Zones

- 4.7. No person shall erect or display or cause to be erected or displayed a sign in a residential zone other than one (1) ground identification sign per vehicular entrance of a lot occupied by an apartment building or a block townhouse development having a,
 - 4.7.1. maximum sign area of 3.0 square metres;
 - 4.7.2. maximum sign height of 3.7 metres;
 - 4.7.3. minimum setback from a street line of 1.0 metre; and,
 - 4.7.4. minimum setback from a vehicular entrance of 3.0 metres.
- 4.8. Despite the provisions of subsection 4.7. of this by-law, no person shall erect or display or cause to be erected or displayed a sign on a lot used exclusively for non-residential purposes in a residential zone other than,
 - 4.8.1. one (1) ground sign or pylon sign per lot having,
 - 4.8.1.1 a maximum sign area of 3.0 square metres;
 - 4.8.1.2 in the case of a ground sign, a maximum sign height of 3.7 metres;
 - 4.8.1.3 in the case of a pylon sign, a maximum sign height of 6.0 metres;
 - 4.8.1.4 a minimum set back from a street line of 1.0 metre;
 - 4.8.1.5 a minimum set back from a vehicular entrance of 3.0 metres for a ground sign or pylon sign having a display surface equal to or greater than 3.0 metres above the ground;
 - 4.8.1.6 a minimum set back from a vehicular entrance of 5.0 metres for a pylon sign having a display surface less than 3.0 metres above the ground; and,
 - 4.8.2. one (1) wall sign per street frontage per lot having an area not exceeding ten (10) percent of the area of the facade to which the sign is attached.

Signs in Open Space, Development, Green Belt, Flood, Cemetery, and Institutional Zones

4.9. No person shall erect or display or cause to be erected or displayed a sign in an open space development, green belt, flood, cemetery or institutional zone other than,

4.9.1. one (1) ground sign or pylon sign per lot having,

4.9.1.1 a maximum sign area of 3.0 square metres;

4.9.1.2 in the case of a ground sign, a maximum sign height of 3.7 metres;

4.9.1.3 in the case of a pylon sign, a maximum sign height of 6.0 metres;

4.9.1.4 a minimum setback from a street line of 1.0 metres;

4.9.1.5 a minimum set back from a vehicular entrance of 3.0 metres for a ground sign or pylon sign having a display surface equal to or greater than 3.0 metres above the ground; and,

4.9.1.6 a minimum set back from a vehicular entrance of 5.0 metres for a pylon sign having a display surface less than 3.0 metres above the ground; and,

4.9.2. one (1) wall sign per street frontage per lot having an area not exceeding ten (10) percent of the area of the facade to which the sign is attached.

4.10. Notwithstanding the provisions of clause 4.9.1. of this by-law, a read-a-graph sign may be added to a ground or pylon sign in an institutional zone provided the read-o-graph portion of the ground or pylon sign does not exceed fifty (50) percent of the total display surface area of the combined ground/read-o-graph sign or pylon/read-o-graph sign.

4.11. Notwithstanding the provisions of subsection 4.9. of this by-law, no person shall erect or display or cause to be erected or displayed a sign on a lot, or part thereof, used exclusively for a children's safety village in an institutional zone other than,

4.11.1. one (1) ground sign per lot, or part thereof, having,

4.11.1.1 a minimum sign area of 3.0 square metres;

4.11.1.2 a minimum sign height of 3.7 metres; and,

4.11.1.3 a minimum setback from a street line of 1.0 metre; and,

- 4.11.2. a maximum to two (2) non-illuminated wall signs per building not exceeding ten (10) percent of the area of the building facade to which the wall sign is attached.
- 4.12. Notwithstanding the provisions of clause 4.9.2. of this by-law, where the institutional zone abuts a residential zone, such wall sign shall not face the said residential zone.

Signs in Agricultural Zones

- 4.13. No person shall erect or display or cause to be erected or displayed a sign in an agricultural zone other than a sign as permitted in an open space, development, green belt, flood, cemetery or institutional zone.
- 4.14. Notwithstanding the provisions of subsection 4.1.3. of this by-law, no person shall erect or display or cause to be erected or displayed a sign on a lot within an agricultural zone which is used as a non-farm residential lot unless the sign complies with the sign provisions for residential zones as set out in this by-law.

Signs in Highway Commercial, Special Purpose Commercial, and Agricultural Services Zones

- 4.15. No person shall erect or display or cause to be erected or displayed a sign in a highway commercial, special purpose commercial or agricultural service zone other than,
- 4.15.1. wall signs with a coverage area not exceeding twenty-five (25) percent of the facade of a business located on the ground floor and fifteen (15) percent of the facade of a business located on an upper storey provided,
- 4.15.1.1 the sign is located a minimum distance of 2.5 metres above the adjacent grade; and,
- 4.15.1.2 notwithstanding the provisions of clause 4.15.1. of this by-law, where the Highway Commercial, Special Purpose Commercial and Agricultural Service zone abuts a Residential zone, such wall signs attached to the building facade adjacent to the Residential zone shall be non-illuminated wall signs.
- 4.15.2. one (1) ground sign or one (1) pylon sign per street frontage having,
- 4.15.2.1 a maximum ratio of 0.3 between the sign area in square metres and the street frontage of the lot in linear metres;

- 4.15.2.2 a maximum sign area of 15.0 square metres it being understood that an additional thirty (30) percent sign area may be added for a read-o-graph sign;
- 4.15.2.3 if a ground sign, a maximum sign height of 3.7 metres;
- 4.15.2.4 if a pylon sign, a maximum sign height of 7.5 metres;
- 4.15.2.5 a minimum setback from a street line of 1.0 metres;
- 4.15.2.6 a minimum set back from a vehicular entrance of 3.0 metres for a ground sign or pylon sign having a display surface equal to or greater than 3.0 metres above the ground; and,
- 4.15.2.7 a minimum set back from a vehicular entrance of 5.0 metres for a pylon sign having a display surface less than 3.0 metres above the ground.

Signs in Central Commercial Zones

4.16. No person shall erect or display or cause to be erected or displayed a sign in a central commercial zone other than,

4.16.1. wall signs with a coverage area not exceeding twenty-five (25) percent of the facade of a business located on the ground floor and fifteen (15) percent of the facade of a business located on the second storey of a non-residential building provided,

4.16.1.1 no signage is permitted above the second storey of a non-residential building;

4.16.1.2 the sign is located a minimum distance of 2.5 metres above the adjacent grade; and,

4.16.1.3 notwithstanding the provisions of clause 4.16.1. of this by-law, where the Central Commercial zone abuts a Residential zone, such wall signs attached to the building facade adjacent to the Residential zone shall be non-illuminated wall signs.

4.16.2. one (1) ground sign or one (1) pylon sign per street frontage having,

4.16.2.1 a maximum ratio of 0.4 between the sign area in square metres and the lot frontage in linear metres;

4.16.2.2 a maximum sign area of 15.0 square metres;

4.16.2.3 if a ground sign, a maximum sign height of 3.7 metres;

- 4.16.2.4 if a pylon sign, a maximum sign height of 7.5 metres;
 - 4.16.2.5 a minimum setback from a street line of 1.0 metres;
 - 4.16.2.6 a minimum set back from a vehicular entrance of 3.0 metres for a ground sign or pylon sign having a display surface equal to or greater than 3.0 metres above the ground; and,
 - 4.16.2.7 a minimum set back from a vehicular entrance of 5.0 metres for a pylon sign having a display surface less than 3.0 metres above the ground; and,
- 4.16.3. one (1) mural sign provided,
- 4.16.3.1 the facade where a mural sign is applied shall not be used for any wall sign under clause 4.16.1. of this by-law unless the area of such wall sign is included with that of the mural sign in determining the maximum sign area as permitted hereunder;
 - 4.16.3.2 the sign area of a mural sign, including the area of any wall sign on the same facade, shall not exceed twenty-five (25) percent of the area of the ground floor facade to which it is applied or otherwise affixed and fifteen (15) percent of the total of the area of any upper storey facade to which it is applied or otherwise affixed; and,
 - 4.16.3.3 no mural sign shall be affixed to or otherwise displayed on the roof of any building or the structure and no part of the roof of any building shall be included in determining the total facade area of such building for the purposes of subclauses 4.16.3.1. and 4.16.3.2. of this by-law.
- 4.16.4. Notwithstanding the provisions of subsection 4.16. of this by-law, no person shall erect or display or cause to be erected or displayed a sign in a shopping centre located within a central commercial zone unless the sign complies with the provisions for signs in local commercial, mixed use and central area commercial zones as set out in this by-law.
- 4.16.5. Notwithstanding the provisions of subclause 4.16.2.2. of this by-law, an additional thirty (30) percent of the area of a ground or pylon sign may be added to the ground or pylon sign where a read-o-graph sign is incorporated into the ground or pylon sign.

Signs in Local Commercial, Mixed Use, and Central Area Commercial

Zones

4.17. No person shall erect or display or cause to be erected or displayed a sign in a local commercial, mixed use and central area commercial zone other than,

4.17.1. wall signs with a coverage area not exceeding twenty-five (25) percent of the facade of a business located on the ground floor and fifteen (15) percent of the facade of a business located on an upper storey provided,

4.17.1.1 the sign is located a minimum distance of 2.5 metres above the adjacent grade; and,

4.17.1.2 notwithstanding the provisions of clause 4.17.1. of this by-law, where the Local Commercial, Mixed Use and Central Area Commercial zone abuts a Residential zone, such wall signs attached to the building facade adjacent to the Residential zone shall be non-illuminated wall signs.

4.17.2. one (1) ground sign or one (1) pylon sign per street frontage having,

4.17.2.1 a maximum ratio of 0.4 between the sign area in square metres and lot frontage in linear metres;

4.17.2.2 a maximum sign area of 15.0 square metres;

4.17.2.3 if a ground sign, a maximum sign height of 3.7 metres;

4.17.2.4 if a pylon sign, a maximum sign height of 7.5 metres;

4.17.2.5 a minimum setback from a street line of 1.0 metre;

4.17.2.6 a minimum set back from a vehicular entrance of 3.0 metres for a ground sign or pylon sign having a display surface equal to or greater than 3.0 metres above the ground; and,

4.17.2.7 a minimum set back from a vehicular entrance of 5.0 metres for a pylon sign having a display surface less than 3.0 metres above the ground; and,

4.17.3. No person shall erect or display or cause to be erected or displayed a sign on a lot located in a local commercial, mixed use and central area commercial zone which is not used for the purpose of a shopping centre unless the sign complies with the provisions of this by-law relating to signs in central commercial zones.

- 4.17.4. Notwithstanding the provisions of subclause 4.17.2.2. of this by-law, an additional thirty (30) percent of the area of a ground or pylon sign may be added to the ground or pylon sign where a read-o-graph sign is incorporated into the ground or pylon sign.

Signs for Automobile Service Station, Automobile Service Station-Car Wash, Gas Bar-Car Wash, Car Wash, Automobile Sales Establishment, or Public Garage within a Commercial, Industrial, Agricultural Service, Automobile Service, Automobile Service-Car Wash, Gas Bar, Gas Bar-Car Wash, and Car Wash Zones

- 4.18. No person shall erect or display or cause to be erected or displayed a sign in an automobile service station, automobile service station - car wash, gas bar, gas bar - car wash, car wash, automobile sales establishment or public garage within a commercial, industrial, agricultural service, automobile service, automobile service - car wash, gas bar, gas bar - car wash, or car wash zone other than,

- 4.18.1. wall signs with a coverage area not exceeding twenty-five (25) percent of the facade of the building provided,

4.18.1.1 the sign is located a minimum distance of 2.5 metres above the adjacent grade; and,

4.18.1.2 notwithstanding the provisions of clause 4.18.1. of this by-law, where the Automobile Service Station, Automobile Service Station Car Wash, Gas Bar, Gas Bar - Car Wash, Car Wash, Automobile Sales Establishment or Public Garage Within a Commercial, Industrial, Agricultural Service, Automobile Service, Automobile Service - Car Wash, Gas Bar, Gas Bar - Car Wash, and Car Wash zone abuts a Residential zone, such wall signs attached to the building facade adjacent to the Residential zone shall be non-illuminated wall signs.

- 4.18.2. one (1) ground sign or one (1) pylon sign per street frontage having,

4.18.2.1 a maximum ratio of 0.4 between the sign area in square metres and the lot frontage in linear metres;

4.18.2.2 a maximum sign area of 15.0 square metres;

4.18.2.3 if a ground sign, a maximum sign height of 3.7 metres;

4.18.2.4 if a pylon sign, a maximum sign height of 7.5 metres;

4.18.2.5 a minimum setback from a street line of 1.0 metre;

- 4.18.2.6 a minimum set back from a vehicular entrance of 3.0 metres for a ground sign or pylon sign having a display surface equal to or greater than 3.0 metres above the ground; and,
 - 4.18.2.7 a minimum set back from a vehicular entrance of 5.0 metres for a pylon sign having a display surface less than 3.0 metres above the ground.
- 4.18.3. Notwithstanding the provisions of subsection 4.18. of this by-law, one (1) additional ground sign or pylon sign for an automobile sales establishment may be erected or displayed in the vicinity of a used car sales area provided,
- 4.18.3.1 a minimum separation of 50.0 metres is provided between any other ground sign or pylon sign on the same side of the street;
 - 4.18.3.2 the maximum sign area is 7.0 square metres;
 - 4.18.3.3 if a ground sign, the maximum sign height is 3.7 metres;
 - 4.18.3.4 if a pylon sign, the maximum sign height is 7.5 metres;
 - 4.18.3.5 the minimum setback from a street line is 1.0 metres;
 - 4.18.3.6 a minimum set back from a vehicular entrance of 3.0 metres for a ground sign or pylon sign having a display surface equal to or greater than 3.0 metres above the ground; and,
 - 4.18.3.7 a minimum set back from a vehicular entrance of 5.0 metres for a pylon sign having a display surface less than 3.0 metres above the ground.
- 4.18.4. A person may attach a company logo or information regarding the kinds of services rendered and prices to a weather canopy erected over an automobile gasoline pump island provided no more than thirty (30) percent of the total area of each face of the canopy is used for such purpose.
- 4.18.5. Notwithstanding the provisions of subclause 4.18.2.2. of this by-law, an additional thirty (30) percent of the area of a ground or pylon sign may be added to the ground or pylon sign where a read-o-graph sign is incorporated into the ground or pylon sign.

Signs in Industrial Zones

4.19. For a single occupancy industrial building in an industrial zone, no person shall erect or display or cause to be erected or displayed a sign other than,

4.19.1. wall signs with a coverage area not exceeding twenty-five (25) percent of the facade of the building provided,

4.19.1.1 the sign is located a minimum distance of 2.5 metres above the adjacent grade; and,

4.19.1.2 notwithstanding the provisions of clause 4.19.1. of this by-law, where the Industrial zone abuts a Residential zone, such wall signs attached to the building facade adjacent to the Residential zone shall be non-illuminated wall signs.

4.19.2. one (1) ground sign or one (1) pylon sign per street frontage having,

4.19.2.1 a maximum ratio of 0.4 between the sign area in square metres and the lot frontage in linear metres;

4.19.2.2 a maximum sign area of 15.0 square metres;

4.19.2.3 if a ground sign, a maximum sign height of 3.7 metres;

4.19.2.4 if a pylon sign, a maximum sign height of 7.5 metres;

4.19.2.5 a minimum setback from a street line of 1.0 metre;

4.19.2.6 a minimum set back from a vehicular entrance of 3.0 metres for a ground sign or pylon sign having a display surface equal to or greater than 3.0 metres above the ground; and,

4.19.2.7 a minimum set back from a vehicular entrance of 5.0 metres for a pylon sign having a display surface less than 3.0 metres above the ground.

4.20. For a multiple occupancy industrial building in an industrial zone, no person shall erect or display or cause to be erected or displayed a sign other than,

4.20.1. wall signs with a coverage area not exceeding twenty-five (25) percent of the facade of the building provided,

4.20.1.1 the sign is located a minimum distance of 2.5 metres above the adjacent grade; and,

4.20.1.2 notwithstanding the provisions of clause 4.20.1. of this by-law, where the Industrial zone abuts a Residential zone, such wall signs attached to the building facade

adjacent to the Residential zone shall be non-illuminated wall signs.

4.20.2. one (1) ground sign or one (1) pylon sign per street frontage having,

4.20.2.1 a maximum ratio of 0.4 between the sign area in square metres and the street frontage of the lot in linear metres,

4.20.2.2 a maximum sign area of 15.0 square metres;

4.20.2.3 if a ground sign, a maximum sign height of 3.7 metres;

4.20.2.4 if a pylon sign, a maximum sign height of 7.5 metres;

4.20.2.5 a minimum setback from a street line of 1.0 metre;

4.20.2.6 a minimum set back from a vehicular entrance of 3.0 metres for a ground sign or pylon sign having a display surface equal to or greater than 3.0 metres above the ground; and,

4.20.2.7 a minimum set back from a vehicular entrance of 5.0 metres for a pylon sign having a display surface less than 3.0 metres above the ground.

4.20.3. Notwithstanding the provisions of subclauses 4.19.2.2 and 4.20.2.2. of this by-law, an additional thirty (30) percent of the area of a ground or pylon sign may be added to the ground or pylon sign where a readograph sign is incorporated into the ground or pylon sign.

Signs on Railway Lands

4.21. No person shall erect or displayed or cause to be erected or displayed a sign on railway lands unless approval has been obtained from the railway having jurisdiction over the lands and unless the sign is a poster panel sign,

4.21.1. having a maximum sign area of 18.6 square metres;

4.21.2. having a maximum sign height of 7.6 metres; and,

4.21.3. located at a railway/street crossing, it being understood that no more than two (2) signs shall be permitted at any one(l) railway/street crossing and no more than one (1) sign per street frontage shall be permitted.

Projecting Signs in Downtown Brooklin and Downtown Whitby

4.22. In addition to any other provisions contained in this by-law, projecting signs are permitted in commercial zones located within Downtown Brooklin,

Downtown Whitby, and 85 Taunton Road East in accordance with the following:

- 4.22.1. one (1) projecting sign is permitted on each lot, except in cases where a lot has more than one (1) street frontage, then the maximum number of projecting signs is increased to one (1) projecting sign per frontage, except for the property at 85 Taunton Road East where the maximum number of projecting signs is one (1), regardless of the number of frontages;
- 4.22.2. projecting signs shall only advertise businesses located on the lot where the sign(s) are erected;
- 4.22.3. projecting signs shall have a maximum of two (2) display surfaces;
- 4.22.4. the maximum width of the display surface of a projecting sign shall be 1.0 metres; the maximum width of the display surface shall be reduced as required in order to comply with clause 4.22.5. or clause 4.22.6. of this by-law;
- 4.22.5. the maximum sign area of a projecting sign in 2.0 square metres;
- 4.22.6. projecting signs shall have a minimum setback of 60.0 centimetres from any portion of a street or private land used for vehicular travel;
- 4.22.7. projecting signs that overhang a sidewalk or other pedestrian walkway shall be located a minimum vertical distance of 2.5 metres above the adjacent grade, measured from the bottom of the projecting sign;
- 4.22.8. projecting signs shall be spaced a minimum horizontal distance of 4.0 metres from other permitted projecting signs;
- 4.22.9. no projecting sign is permitted above the second storey of a building;
- 4.22.10. projecting signs located within 30 metres of the intersection of two streets where the flow of traffic is controlled by traffic lights must be approved in writing by the Commissioner of Public Works;
- 4.22.11. projecting signs shall be setback from above ground electrical conductors in accordance with the provisions of the Ontario Building Code;
- 4.22.12. projecting signs located on lots within 400 metres of any Provincial Highway right-of-way shall be approved in writing by the Ministry of Transportation;
- 4.22.13. projecting signs shall not obstruct openings required for light or ventilation, any required means of egress, or required access for firefighting;

- 4.22.14. projecting signs shall not be internally illuminated using any type of artificial light;
- 4.22.15. electronic or read-o-graph projecting signs are not permitted; and
- 4.22.16. projecting signs shall comply with the Ontario Building Code and all other government regulations.

5. Sign Permits

- 5.1. Except as otherwise provided in this by-law, no person shall erect or display or cause to be erected or displayed a sign without first having obtained a sign permit in respect to such sign from the Corporation.
- 5.2. Every person making application for a sign permit shall make application therefore on such form or forms as may be prescribed from time to time by the Corporation.
- 5.3. Every person making application for a sign permit shall submit to the Corporation with the application,
 - 5.3.1. a completed building permit application, if required;
 - 5.3.2. payment of the application fee as set out in the Corporation's Building By-law, as amended;
 - 5.3.3. complete drawings and specifications of the construction and support framework of the proposed sign;
 - 5.3.4. details and specifications of the materials to be used for the proposed sign;
 - 5.3.5. drawings of the building or structure upon which the sign is to be located, if applicable, to determine whether such building or structure is able to accommodate the additional loads and stresses imposed by the erection of the proposed sign;
 - 5.3.6. drawings of the building or structure upon which a sign is to be located, if applicable, showing the relation between the sign and the adjacent grade;
 - 5.3.7. elevations showing the decoration, design, and illumination of the proposed sign; and,
 - 5.3.8. a block plan indicating the street lines, and all other property boundaries of the lot upon which the proposed sign is to be constructed, erected or placed, showing the location of the sign upon the lot in relation to all buildings, structures, and other signs located thereon.

- 5.4. The Commissioner of Planning and Development, or his or her designate, shall not issue a sign permit unless the sign to which the permit relates complies with all applicable provisions of this by-law or a minor variance from the provisions of this by-law has been authorized by the Council of the Corporation.

6. Schedule(s)

- 6.1. The following schedules are attached to and form part of this by-law,
 - 6.1.1. Schedule A – Downtown Brooklin Boundary; and
 - 6.1.2. Schedule B – Downtown Whitby Boundary.

7. Enforcement and Penalties

- 7.1. This by-law may be enforced by an officer.
- 7.2. Where a sign is erected or displayed in contravention of the provisions of this by-law, the Commissioner of Legal and By-law Services or his or her designate, shall cause a notice to be forwarded to the owner of the unlawful sign requiring the pulling down and removal of the unlawful sign or the making of such unlawful sign to comply with the provisions of this by-law, failing the owner's compliance with such notice, the Commissioner of Legal and By-law Services of the Corporation, or his or her designate, is authorized to cause the unlawful sign to be pulled down and removed at the expense of the owner of the unlawful sign.
- 7.3. An unlawful sign which has been pulled down and removed at the direction of the Commissioner of Legal and By-law Services, or his or her designate, and which is substantially undamaged shall be kept by the Corporation for a minimum period of thirty (30) days during which the Corporation shall restore possession of the sign to the sign owner upon the Corporation's receipt of payment of,
 - 7.3.1. any expenses incurred by the Corporation in the pulling down and removal of the unlawful sign;
 - 7.3.2. a twenty-five dollar per day storage fee; and,
 - 7.3.3. an administrative fee of one-hundred dollars (\$100.00).
- 7.4. Where, on the thirty-first (31st) day after the Corporation's pulling down and removal of the unlawful sign, possession of the sign has not been restored to the owner of the sign, the Commissioner of Legal and By-law Services or his or her designate, may dispose of the sign in such fashion as he or she in his or her sole discretion may decide.
- 7.5. The Corporation may recover any expense incurred by it in the pulling down and removal of any unlawful sign, including any cost incurred in the storage

and disposition thereof, by action, or the same may be recovered in like manner as municipal taxes.

- 7.6. Every person who fails to comply with an order issued pursuant to this by-law or who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a maximum fine of \$100,000.00, and in the case of a continuing offence, for each day or part of a day that the offence continues, an additional maximum fine of \$10,000.00 pursuant to Section 429(1) of the Municipal Act.

8. Short Title

- 8.1. This by-law may be referred to as the Permanent Sign By-law.

9. Repeal of Existing By-law

- 9.1. By-law # 5695-05 is repealed.

10. Effective Date

- 10.1. This by-law shall come into force and effect on the day of its passage.

By-law read and passed this 19th day of March, 2018.

Original Approved and Signed.

Don Mitchell, Mayor

Original Approved and Signed.

Christopher Harris, Town Clerk